

By: Barrientos

S.B. No. 1674

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (d), Section 36.205, Water Code, is amended to read as follows:

(d) The ~~[Barton Springs-Edwards Aquifer Conservation District, the]~~ Lone Star Groundwater Conservation District~~[,]~~ and the Guadalupe County Groundwater Conservation District may not charge production fees for an annual period greater than \$1 per acre-foot for water used for agricultural use or 17 cents per thousand gallons for water used for any other purpose. ~~[The Barton Springs-Edwards Aquifer Conservation District may assess a water use fee against a specific municipality in an amount not to exceed 60 percent of the total funding of the district received from water use fees assessed against that municipality and other nonexempt users in the district.]~~ This subsection shall take precedence over all prior enactments.

SECTION 2. Section 2, Chapter 429, Acts of the 70th Legislature, Regular Session, 1987, is amended by amending Subsection (f)(2) and adding Subsections (g) and (h) to read as follows:

(2) The board may assess the City of Austin, as a water use fee, each year an amount not to exceed 60 ~~[40]~~ percent of the

1 total funding that ~~[of]~~ the district expects to receive for the next
2 fiscal year ~~[received]~~ from water use fees assessed against Austin
3 and other nonexempt users. For purposes of computing water use fees
4 under this subsection, the district shall estimate the amount of
5 permitted pumpage for the next fiscal year by considering various
6 factors including historical growth rates, future growth rates, the
7 amount of permitted pumpage, historical permitted pumpage, and any
8 pending applications for permitted pumpage. The district shall use
9 the estimated amount of permitted pumpage and its water use fee rate
10 to compute the water use fee to be assessed against the City of
11 Austin for the district's next fiscal year. The district shall
12 compute the water use fee assessed against the City of Austin at a
13 rate of 17 cents per thousand gallons for the total amount of water
14 permitted for any nonagricultural purpose, regardless of the rate
15 actually imposed on or remitted by the permittee.

16 (g) Except as provided by this subsection, the board may not
17 charge an annual production fee of more than \$1 per acre-foot for
18 water permitted for agricultural use or 17 cents per thousand
19 gallons for water permitted for any other purpose. For a permit
20 issued or materially amended after September 1, 2005, or a permit
21 issued after September 9, 2004, and renewed after September 1,
22 2005, the board may charge an annual production fee of not more than
23 35 cents per thousand gallons for the amount of water permitted
24 under the permit as issued or renewed or the increase in the amount
25 of water permitted under the permit as materially amended if the
26 water is permitted for any purpose other than agricultural use. The
27 board may adopt a differential rate structure for the

1 nonagricultural production fees described by this subsection to
2 promote alternatives to the exclusive use of groundwater resources.

3 (h) A material amendment under Subsection (g) of this
4 section is an amendment to a permit that increases the amount of
5 water permitted by more than 10 percent in one fiscal year or by
6 more than 25 percent in any three-year period. The renewal on or
7 after September 1, 2005, of a permit that was issued on or before
8 September 9, 2004, is considered to be a material amendment for
9 purposes of Subsection (g) of this section if the permit as renewed
10 increases the amount of water permitted by an amount that exceeds
11 the limits specified by this subsection.

12 SECTION 3. The legislature finds that the Barton
13 Springs-Edwards Aquifer Conservation District benefits the
14 sustainable use of groundwater by promoting, through fee and
15 permitting mechanisms, alternatives to the exclusive use of
16 groundwater resources, including the conjunctive use of
17 groundwater and surface water resources.

18 SECTION 4. This Act takes effect September 1, 2005.